

Minutes of the August 25, 2000 meeting
Orange County Water District
10500 Ellis Avenue
Fountain Valley

1. Chair Withers called the meeting to order at 9:05 a.m.

Board Members Present

Board Members Absent

John Withers, Chair
Melody Henriques, Vice-Chair
Rodger Siems
Jose Solorio

Carole Beswick
Irv Pickler

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Barbara Laffoon, Secretary
Steve D. Mayville, Chief, Dairies/Chino Basin
Hope A. Smythe, Chief, Basin Planning (Inland Waters)
Mark E. Smythe, Chief, Storm Water
Gary D. Stewart, Chief, Regulations
Kevin P. Heinemann, LAN Administrator
Deborah Neiter, Env. Spec. III, Basin Planning (Inland Waters)

Legal Counsel

Ted Cobb

Public Attendance

Garry Brown, Orange County Coastkeeper
Joe Lewis, Eastern Municipal Water District
Mark Wills, Riverside County Flood Control
Neil Nilchian, Riverside County Transportation Dept.
Pat Kilroy, City of Lake Elsinore
Dennis O'Neil, Hewitt & McGuire
Paul Mobley, United Strategies, Inc.
Nadine Doughman, Defend the Bay
Devon Muto, PBS&J
Anne Thomas, Best Best & Krieger
Bill Basher, Lusk/Elsinore
Ted Vitus, Orange County Sanitation District
Kenneth Dills, City of Huntington Beach
Greg Woodside, Orange County Water District
John Borges, Western United Dairyman
David C. Smith, Building Industry Association of Southern California
Linda Nixon, City of Hemet
Hardy Strozier, The Planning Associates

Mark Norton, SAWPA
Nathan de Boom, MPC
Rod Cruze, City of Riverside
Kris Flaig, City of Los Angeles
Bill Hughes, Riverside County Transportation Commission/Bechtel

2. Public Forum

There were no speakers.

3. Approval of Minutes of June 30, 2000 meeting

There being no additions or corrections, the minutes of the regular board meeting held on June 30, 2000, were approved as presented.

4. Approval of Consent Calendar Items

5. Appeal for Exemption from the Homeland-Green Acres and Romoland Waste Discharge Prohibition for Subsurface Disposal Use, C. M. Turley, Riverside County
6. Renewal of Waste Discharge Requirements for Great Lakes Chemical Corporation, Groundwater Cleanup, Irvine, (NPDES No. CA8000031), Order No. 00-25
7. Revised Waste Discharge Requirements for Upland Hills Wastewater Reclamation Plant, San Bernardino County, Order No. 00-31
8. Revised Waste Discharge Requirements for Hyponex Corporation Chino Composting Plant, San Bernardino County, Order No. 00-56
9. New Waste Discharge Requirements General Permit for Storm Water Runoff Associated with New Developments in the San Jacinto Watershed, Riverside County

Executive Officer Thibeault asked that item #9 be removed from the consent calendar and conducted as a public workshop.

Action: It was moved by Member Henriques, seconded by Member Solorio, and unanimously carried that the Board approve the request for exemption by C. M. Turley, adopt Order No. 00-25 for Great Lakes Chemical Corporation, Order No. 00-31 for Upland Hills Wastewater Reclamation Plant, and Order No. 00-56 for Hyponex Corporation Chino Composting Plant.

9. New Waste Discharge Requirements General Permit for Storm Water Runoff Associated with New Developments in the San Jacinto Watershed, Riverside County(NPDES No. CAG618005)

It was noted that the first draft of the permit was mailed in July 2000, and a staff workshop for interested parties was held on August 8. A second draft was sent in August. Supervising Water Resource Control Engineer (SWRCE) Michael J. Adackapara presented a brief history. Also noted were major land uses of the area. Background was given on both Lake Elsinore and Canyon Lake, on the impairments and causes and erosion rates. The concerns expressed by stakeholders at the August 8 workshop were noted, and the proposed differences from the State Board's General Permit were outlined.

Anne Thomas, Best Best & Krieger, representing La Laguna Estates and Lusk Elsinore, Inc., urged the Board to refrain from adopting any interim permit and stated that the State Board's General Permit will be adequate until the TMDLs are developed. There are

anticipated EPA guidelines for discharges to impaired water bodies due in September or October 2000, and any action should wait until these guidelines become available. Finally, she noted that if offsets are mentioned in the proposed permit, she did not see them; visual inspections had been ok'd by the State; EPA guidelines require monitoring only once and that during business hours. The proposed permit requires all storms to be monitored and is not limited to business hours. Finally, she stressed that the cost is a real concern.

Dennis O'Neil, White Rock-Ramsgate Development, believing the State Board's General Permit to be more than sufficient, strongly urged the Board not to adopt Order 00-65. However, if an interim permit must be drafted, then the language should be to strengthen the provisions of the General Permit where needed, creating workable monitoring practices and protocols.

Devon Muto, Sr. Environmental Scientist, PBS&J, referred to his August 7 letter and cited his concern over the adoption of the proposed permit, recommending that the existing State Board's General Permit remain in place until more data are available to support a localized permit. He felt the proposed permit doesn't give consideration to developers upstream; the monitoring requirements are impractical, i.e. monitoring every single discharge places a burden on monitoring personnel. Offsets are not mentioned. He also requested that staff be directed to respond directly to public comments in writing and stated that had not been the case previously.

George Dale of La Laguna expressed concerns with the financial aspects of the proposed permit. After meeting all the County and government red tape over a 12-year period, the project is now hampered by the proposed permit. He said that the property had been used to secure bonds for McVicker debris basin and stated his concern over the possibility of litigation by the bond holder, and also felt that this action could kill La Laguna's project.

Joe Lewis, Eastern Municipal Water District, cited the costs of compliance with the proposed permit and asked that the Board consider an exemption for Public Entities/Facilities.

Mark Wills, Riverside County Flood Control, identified his agency as a principal permittee. He felt that Anne Thomas had outlined the problem very well. Mr. Wills also felt that there had not been sufficient time to review the second draft since it had come out on Monday of this week and promised to provide more comments at a later date. He said the proposed permit seems to focus on water quality ahead of technical and TMDL development. Further, he felt that while reduction is possible, "no net loading" cannot be achieved from construction since people will always generate pollutants; offsets are not provided for in the tentative permit, and he does not see the need to develop an interim regulatory permit.

Linda Nixon, City of Hemet, expressed concerns about impacts on both the infrastructure and finances of municipalities and public education programs. She voiced dismay at the background monitoring which is impractical to implement, and would delay public projects.

Break

The Board observed a ten-minute break at 10:30 a.m. Chair Withers resumed the meeting at 10:40 a.m.

Bill Hughes, Riverside County Transportation Department, commented that they are in the process of widening a 8.5 mile stretch of State Highway 74 that would provide significant safety improvements. He was concerned with how the agency can comply with the proposed permit due to runoff upstream and asked that more thought be given regarding projects such as this.

Pat Kilroy, Lake Manager, City of Lake Elsinore, told the Board that he wished to dispel the misunderstanding that the fish kills at Lake Elsinore were a natural occurrence.

David Smith, Building Industry Association, said the revised fact sheet contained statements but did not back them up. Specifically, on page 6, parts ignore the application of the Construction General Permit currently implemented. Regarding the monitoring procedures, Mr. Smith felt more detail should be given such as who reviews, what is required. Costs to implement the program should be spelled out. The opinion of the Sacramento Superior Court supported the adequacy of the General Permit. There is no need to abandon the General Permit.

Ted Cobb, Legal Counsel, stated that Judge Connelly has not yet issued his order. When he writes the order, whatever he says in his order will be relevant. The proposed permit is not abandoning the General Permit, but merely adding elements to the State Board's general order.

Executive Officer Thibeault commented that staff are not abandoning but enhancing the State General Permit. Staff will provide clarification on issues raised from the first and second drafts, provide detailed responses to comments received, and hold another informational workshop, and possibly bring it back before the Board at the November 17 meeting.

Chair Withers instructed staff to plan for the November 2000 meeting, but if unable to meet that date, postpone it to an appropriate time. He recapped the basic issues, as he understood them, to be the impact on municipalities, the cost-benefit analysis, and offsets.

11. Administrative Civil Liability Complaints

1. William Lyons Homes, Inc. ACLC 00-69
2. Marriott Ownership Resorts, Inc. ACLC 00-71

Executive Officer Thibeault stated that Lyons, Marriott, and another - Van Daele - had paid the liability and waived their hearings.

12. Mandatory Penalties Complaint, Yucaipa Valley Water District

13. Mandatory Penalties Complaint, Western Riverside County Regional Wastewater Authority

Executive Officer Thibeault asked that both items be postponed at the request of the dischargers. These items were postponed to the October meeting.

14. Compliance with General Permit for Dairies

Steve Mayville, Chief of the Dairy Section, and Robert Holub, Division Chief, provided an update on the compliance status of concentrated animal feeding operations (CAFOs) within the region. Mr. Mayville summarized information that was provided by CAFOs in their 1999 Annual Reports and noted the primary requirements included in the waste discharge requirements and cease and desist order for CAFOs. Mr. Mayville stated that complaints will be prepared for CAFOs who failed to provide manure stockpile reports, a letter will be sent to CAFOs reminding them of the requirement to provide 180-day manure removal notifications to staff, and that enforcement actions may be proposed for several manure application sites if the responsible parties do not cooperatively implement cleanup in a timely manner.

Mr. Holub addressed several issues regarding the preparation and implementation of engineered waste management plans (EWMPs) for CAFOs. Mr. Holub stated that staff would prepare complaints for those CAFO operators that were required to submit EWMPs by June 1, 2000, but have not yet initiated preparation of the EMWP. He also noted that draft

revised EWMP guidelines that outline increased wastewater storage capacity have been prepared, are under review, and that the Executive Officer would be issuing those guidelines in the near future. Mr. Holub also stated that, as a result of several factors, many CAFO operators would probably not be able to provide the storage capacity outlined in the revised guidelines. Staff recommended that the Executive Officer accept EWMPs that do not provide the storage capacity outlined in the revised guidelines, only if it can be demonstrated that all possible site-specific best management practices will be implemented, and only on the condition that acceptance of the EWMP does not relieve the CAFO operator of responsibility for discharges not allowed by waste discharge requirements.

John Borges, Western United Dairymen, addressed the stockpiling of manure and stated that most of the dairies do not stockpile manure. He also said it was difficult to get engineers who understood dairies and would complete the necessary plans in a timely manner.

In addition to his comments, Robert Feenstra, Milk Producers Council, asked that he receive copies of the presentations. Mr. Feenstra requested that he receive copies of all communications with the dairy operators regarding violations so that his group could be aware of the violations that were occurring or recurring. The recent action by the EPA in citing Westra Dairy surprised the Council since they understood that the Regional Board was the proper agency to take such action. He requested either a workshop or a meeting be held to discuss the problems, noting that the dairies feel victimized.

Chair Withers assured Mr. Feenstra that the Milk Producers Council would receive copies of correspondence in the future. He also suggested that a tour of the dairy area for the Board Members would be helpful.

16. Presentation by the Orange County CoastKeeper

Executive Officer Thibeault advised that this item had been postponed to the October meeting.

17. Revised Basin Plan Objectives and Groundwater Basin Boundaries

Executive Officer Thibeault advised that this since this item was primarily intended to provide new board members with background and bring them up to speed, it had been postponed due to the absence of two of the newer Board members.

15. Update on the Project to Relocate the Santa Ana Regional Interceptor (SARI) Line from the Santa Ana Riverbed

Executive Officer Thibeault said the Orange County Sanitation District has worked diligently to address the need to remove the SARI line from the bed of the Santa Ana River.

Doug Stewart, Engineering Manager, Orange County Sanitation District (OCSD), accompanied by Blake Anderson, General Manager, and Andre Wean, Project Manager, presented an update on the project. Erosion along the 4-mile 1975 interceptor in the flood plain has degraded the cover over the pipe to as little as 3 feet in some areas.

To date, studies of realignment, a post-El Nino field survey, a geotechnical evaluation, and a draft Environmental Impact Report (EIR) have been completed.

Some of the risk issues are the significant reduction of pipeline cover; the possibility that the pipeline could be exposed by 2004/2005; concerns that the pipeline could be breached; in the event of failure, repairs could take six to twelve months; and failure of SARI could severely damage the treatment plant, as well.

18. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits.

19. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

20. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures since those reported at the May 19 Board meeting.

21. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks since those reported at the May 19 Board meeting.

22. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of incidents occurring since those reported at the June 30 Board meeting.

23. Executive Officer's Report

A written report was provided and additional comments were made.

24. Board Member Communication

There was none.

25. Adjournment

Chair Withers adjourned the Board at 12:55 p.m. to the October 6 meeting at the City Council Chambers, Loma Linda, at 9:00 a.m.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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